

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.
JAMES HENRY SMITH, JR.

Date of Original Judgment: August 3, 2009

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 4:08-CR-59-1BR

USM No: 25824-056

Thomas P. McNamara

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months **is reduced to** 77 months.

The above-referenced sentence consists of a term of 77 months for Counts 1 and 2, to be served concurrently.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated August 3, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 4/2/2012

Effective Date: _____
(if different from order date)

W. Earl Britt, Senior U.S. District Judge

Printed name and title